

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

West Bay One, Inc.,

Civil No. 11-116 (DSD/SER)

Plaintiff,

v.

REPORT & RECOMMENDATION

Joyce E. Hansen,

Defendant.

Plaintiff West Bay One, Inc., filed a Complaint alleging defendant Joyce E. Hansen infringed upon Plaintiff's exclusive rights protected under the Copyright Act of 1976 (17 U.S.C. § 101) on January 18, 2011 [Doc. No. 1].

Defendant did not respond to the Complaint. On June 10, 2011, an Order was issued by this Court instructing Plaintiff to 1.) Notify defense counsel immediately that he/she is required to make an appearance or move for an extension of time to do so; 2.) File an application for entry of default unless the required pleading is filed within 10 days; or 3.) Advise the Court in writing of any good cause to the contrary. Plaintiff failed to respond to the Court's Order within the 20 day deadline.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE**.

Dated: August 31, 2011

s/Steven E. Rau

Steven E. Rau

U.S. Magistrate Judge

Under D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties by **September 13, 2011**, a writing which specifically identifies those portions of this Report to which objections are made and the basis of those objections. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals. A party may respond to the objecting party's brief within ten days after service thereof. A judge shall make a de novo determination of those portions to which objection is made. This Report and Recommendation does not constitute an order or judgment of the District Court, and it is therefore not appealable to the Court of Appeals.